



Atty. Dkt. No. 075405-1103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Markland et al.

Title: Contortrostatin and Methods for its Use in Preventing Metastasis and Other Conditions

Appl. No.: 10/712,584

Filing Date: 11/12/2003

Examiner: Michael L. Borin

Art Unit: 1631

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

Vanessa E. Agha
(Printed Name)

Vanessa E. Agha
(Signature)

March 14, 2006
(Date of Deposit)

TERMINAL DISCLAIMER OVER U.S. PATENT NO. 5,814,609

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, the University of Southern California, having its principal place of business at University Park, Los Angeles, CA 90007, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/712,584 (the above-captioned patent application), filed November 12, 2003, which is a continuation of U.S. Patent Application No. 09/591,552, filed June 8, 2000, by virtue of an Assignment filed and recorded on October 26, 2000, on Reel/Frame 011207/0108, in the United States Patent and Trademark Office, evidence of recordation of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 5,814,609, which issued on U.S. Patent Application No. 08/745,603, filed November 8, 1996 by virtue of an Assignment recorded on January 8, 1997, on Reel/Frame 008352/0072, in the United States Patent and Trademark Office, evidence of recordation of which is attached hereto as APPENDIX B.

Your Petitioner, the University of Southern California, hereby disclaims the terminal part of the term of any patent granted on the above-captioned patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 5,814,609, and hereby agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 5,814,609 shall be the same as the legal title to any patent granted on the above-captioned patent application, this agreement to run with any patent granted on the above-captioned patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-captioned patent application , prior to the full statutory term of U.S. Patent No. 5,814,609 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent No. 5,814,609 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent No. 5,814,609 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above-captioned patent application that would extend beyond the present termination of U.S. Patent No. 5,814,609, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above-captioned patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above-captioned patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the recordation evidence attached as APPENDICES A and B, and to the best of his knowledge and

belief, legal title to the above-captioned patent application and U.S. Patent No. 5,814,609 rests with Petitioners, the University of Southern California. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Respectfully submitted,

Date March 14, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

By Barry Wilson

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431

Attachments: **APPENDIX A:** Copy of Assignment for Patent Application No. 09/591,552 recorded on October 26, 2000 (Reel/Frame 011207/0108)

APPENDIX B: Copy of Assignment for U.S. Patent No. 5,814,609 recorded on January 8, 1997 (Reel/Frame 008352/0072)



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JANUARY 05, 2001

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FULBRIGHT & JAWORSKI, LLP
MARGARET A. CHURCHILL, PH.D.
865 SOUTH FIGUEROA STREET
29TH FLOOR
LOS ANGELES, CA 90017-2576

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/26/2000

REEL/FRAME: 011207/0108

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MARKLAND, FRANCIS S. JR.

DOC DATE: 08/01/2000

ASSIGNOR:

RITTER, MATTHEW

DOC DATE: 08/01/2000

ASSIGNEE:

SOUTHERN CALIFORNIA, UNIVERSITY
UNIVERSITY PARK
LOS ANGELES, CALIFORNIA 90007SERIAL NUMBER: 09591552
PATENT NUMBER:FILING DATE: 06/08/2000
ISSUE DATE:JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
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APPENDIX A



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Reel/Frame: 008352/0072**Recorded:** 01/08/1997**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Total properties: 1****1 Patent #:** 5814609 **Issue Dt:** 09/29/1998 **Application #:** 08745603 **Filing Dt:** 11/08/1996**Title:** COMPOSITIONS CONTAINING A DISINTEGRIN AND METHODS FOR ITS USE IN
PREVENTING METASTASIS AND OTHER CONDITIONS**Assignors****1** MARKLAND, FRANCIS S. JR.**Exec Dt:** 12/06/1996**2** ZHOU, QING**Exec Dt:** 12/06/1996**Assignee****1** UNIVERSITY OF SOUTHERN CALIFORNIA

UNIVERSITY PARK

LOS ANGELES, CALIFORNIA 90007

Correspondence name and address

ROBBINS, BERLINER & CARSON

ROBERT BERLINER

201 NORTH FIGUEROA, SUITE 500

LOS ANGELES, CA 90012-2628

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APPENDIX B